



**THE ATTORNEY GENERAL  
OF TEXAS**

June 5, 1989

**JIM MATTOX  
ATTORNEY GENERAL**

Mr. Allen Eli Bell  
Executive Director  
Texas Air Control Board  
6330 Hwy. 290 East  
Austin, Texas 78723

Dear Mr. Bell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 6083; this decision is OR89-158.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

The Texas Air Control Board received a request for copies of "all documents, records, permits, maps, drawings, including correspondence, violations, citations and findings relating to the Celanese operations in Pampa, Gray County, Texas." The board wishes to withhold under section 3(a)(10) of the Open Records Act certain documents that detail chemical processes used by the Celanese Chemical Company. You indicate that the board has made available all documents in its public files in its Region 2 office in Lubbock. We assume, therefore, that the board has made available all requested information other than the chemical process information submitted to this office for review. After reviewing the information submitted, this office has determined that it may be withheld under section 3(a)(10).

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Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-158.

Yours very truly,

*Open Government Section*  
*of the Opinion Committee* 

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of the Opinion Committee

Prepared by Jennifer S. Riggs  
Chief, Open Government Section

JSR/bc

Ref.: ID# 6083

ID# 6112